



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Pomona, NY 10970
(845) 364-3434
Fax: (845) 364-3435

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 22, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.15-3-37

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 8/18/2015

Date Review Received: 9/1/2015

Item: *CONGREGATION EMEK TEFILAH (R-2171E)*

Site plan for proposed additions to an existing residence to be used as a local house of worship and rabbi's residence on a .364-acre parcel in the R-15C zoning district.
South side of Calvert Drive, 280 feet east of Dover Terrace

Reason for Referral:

Village of Kaser

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The comments in the September 4, 2015 letter from the Rockland County Department of Health must be met.
- 2 The existing well must be properly decommissioned prior to its removal. A formal notation on the plans must specify that the well will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity, so that they can monitor the process to ensure that it is done in compliance with the required specifications.
- 3 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

CONGREGATION EMEK TEFILAH (R-2171E)

4 The comments in the September 4, 2015 letter from the Rockland County Sewer District No. 1 must be met.

5 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 150 feet south of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

6 The narrative indicates that all variances have been granted. We have reviewed this parcel thrice for variance applications on December 9, 2013 for total side setback, rear setback, and parking; March 16, 2012 for side setback, total side setback, side yard, rear yard, maximum development coverage, and parking; and July 16, 2007 for front yard, side setback, total side setback, rear setback, parking, and parking in the front yard. The bulk table highlights only three of the variances as having been granted - total side setback, rear setback, and parking, though it further lists four other bulk requirements that do not meet the required standards, including side setback, side yard, rear yard, and maximum development coverage. If all of the variances have been granted, then the bulk table must be updated to reflect these additional variances, including the date that the variances were granted. In addition, no mention is made as to whether a variance has been granted for parking within the front yard. If variances for these five bulk standards have not been granted, then the application must be sent back to the Town of Ramapo Zoning Board of Appeals for evaluation.

7 The initial site plan for the proposed additions, completed in 2007, indicated that the floor area ratio was .48. The square footage for this current site plan seems relative in size to that initial application, yet the floor area ratio is listed as .90. The other site plan reviewed in 2012 and 2013 also list the floor area ratio as .90, despite the fact that the layouts have changed. The total square footage for the building must be provided, as well as the floor area ratio calculation. If the floor area ratio is not .90, the bulk table must be updated.

8 The site plan shows several existing trees on site. However, a site visit showed that many of the trees along the eastern property line no longer exist. The site plan needs to be updated to reflect what vegetation is currently planted.

In addition, the Landscaping Plan shows new trees and shrubs to be planted. It is not clear if the existing vegetation is to remain, as the Landscaping Plan does not illustrate that they are to be removed. However, several of the existing trees are shown to be paved over, or may be in conflict with the new proposed vegetation. It must be clarified what trees will remain, and noted which trees are to be removed.

CONGREGATION EMEK TEFILAH (R-2171E)

9 A review shall be completed by the Rockland County Office of Fire & Emergency Services, the Ramapo Fire Inspector, and the Monsey Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles, and that there is adequate access to the rear of the property.

10 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

11 There shall be no net increase in the peak rate of discharge from the site at all design points.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano P.E.
Village of Kaser
New York State Department of State,
Division of Code Enforcement & Administration

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

